

OFFICE OF THE STATE CONTROLLER
STATE MANDATED COSTS CLAIMING INSTRUCTIONS NO. 2013-07

DISCRIMINATION COMPLAINT PROCEDURES
(EQUAL EMPLOYMENT OPPORTUNITY – SET THREE)

JANUARY 3, 2013

REVISED JULY 1, 2013

In accordance with Government Code (GC) sections 17560 and 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state-mandated cost programs. This document contains claiming instructions and forms that eligible claimants must use for filing claims for the Discrimination Complaint Procedures (Equal Employment Opportunity – Set Three) (DCP) program. The Parameters and Guidelines (P's & G's) are included as an integral part of the claiming instructions.

On March 24, 2011, the Commission on State Mandates (CSM) adopted a Statement of Decision finding that the test claim regulations impose a partially reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and GC section 17514.

Exception

There will be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

Eligible Claimants

Any community college district as defined in Government Code section 17519, which incurs increased costs as a result of this mandate, is eligible to claim for reimbursement. Block grant recipients are not eligible to claim for reimbursement.

Reimbursement Claim Deadline

Claims for fiscal year **2012-13** may be filed with the SCO by **February 18, 2014**, without a late claim penalty. **Claims filed more than one year after the filing date will not be accepted.**

Penalty

- **Initial Claims**

When filed within one year of the initial filing deadline, claims are assessed a late penalty of 10% of the total amount of the initial claim without limitation pursuant to GC section 17561, subdivision (d)(3).

- **Annual Reimbursement Claim**

When filed within one year of the annual filing deadline, claims are assessed a late penalty of 10% of the claim amount; \$10,000 maximum penalty, pursuant to GC section 17568.

Minimum Claim Cost

GC section 17564, subdivision (a), provides that no claim may be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds one thousand dollars (**\$1,000**).

Reimbursement of Claims

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. These costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating: "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5.

Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, these documents cannot be substituted for source documents.

Audit of Costs

All claims submitted to the SCO are subject to review to determine if costs are related to the mandate, are reasonable and not excessive, and if the claim was prepared in accordance with the SCO's claiming instructions and the P's & G's adopted by the CSM. If any adjustments are made to a claim, the claimant will be notified of the amount adjusted, and the reason for the adjustment.

On-site audits will be conducted by the SCO as deemed necessary. Pursuant to GC section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a claimant is subject to audit by the SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for the SCO to initiate an audit will commence to run from the date of initial payment of the claim.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by the SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents must be made available to the SCO on request.

Record Retention

All documentation to support actual costs claimed must be retained for a period of three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated or no payment was made at the time the claim was filed, the time for the Controller to initiate an audit will be from the date of initial payment of the claim. Therefore, all

documentation to support actual costs claimed must be retained for the same period, and must be made available to the SCO on request.

Claim Submission

Submit a signed original Form FAM-27 and one copy with required documents. **Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.**

Mandated costs claiming instructions and forms are available online at the SCO's website: **www.sco.ca.gov/ard_mancost.html**.

Use the following mailing addresses:

If delivered by
U.S. Postal Service:

Office of the State Controller
Attn: Local Reimbursements Section
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250

If delivered by
other delivery services:

Office of the State Controller
Attn: Local Reimbursements Section
Division of Accounting and Reporting
3301 C Street, Suite 700
Sacramento, CA 95816

If you have any questions, you may e-mail **LRSDAR@sco.ca.gov** or call the Local Reimbursements Section at (916) 324-5729.

Adopted: September 28, 2012

PARAMETERS AND GUIDELINES

California Code of Regulations, Title 5, Sections 53003, 53004, 53006, 53020, 53021, 53022, 53023, 53024, 53025, 53026, and 53034

Register 92, Number 17; Register 96, Number 23; and Register 2002, Number 35

Discrimination Complaint Procedures ***(Equal Employment Opportunity Program – Set Three)***

02-TC-46

(And a Portion of 02-TC-25 and 02-TC-31)

(Beginning Fiscal Year 2003-2004)

I. SUMMARY OF THE MANDATE

On March 24, 2011, the Commission on State Mandates (Commission) adopted a statement of decision for the *Discrimination Complaint Procedures* test claim finding that the test claim regulations impose a partially reimbursable state-mandated program upon community college districts within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission has adopted separate sets of parameters and guidelines for the *Discrimination Complaint Procedures* (02-TC-46) statement of decision as follows: (1) equal employment opportunity program; (2) federal rights for individuals with disabilities; and (3) discrimination complaint procedures. This set of parameters and guidelines addresses the Commission's findings regarding the equal employment opportunity program.

Because some of the activities approved in the statement of decision have a period of reimbursement that begins during the 2002-2003 fiscal year, and some of the activities are not reimbursable beyond the 2001-2002 fiscal year or the 2002-2003 fiscal year, the Commission has adopted three sets of parameters and guidelines for the equal employment opportunity program: (1) for costs incurred during the 2001-2002 fiscal year only; (2) for costs incurred during the fiscal year 2002-2003 only; and (3) for costs incurred in fiscal year 2003-2004 and subsequent fiscal years.

For costs incurred in fiscal year 2002-2003 and in subsequent fiscal years, the activities approved in the equal employment opportunity program section of the statement of decision are contained in California Code of Regulations, title 5, sections 53003, 53004, 53006, 53020, 53021, 53022, 53023, 53024, 53025, 53026, and 53034, as amended by Register 92, number 17; Register 96, number 23; and Register 2002, number 35. These activities address steps to achieve diversity or equal employment opportunity in a community college district's workforce, including, establishing hiring goals, monitoring the district workforce, reporting workforce data to the Chancellor's Office, and establishing a process to address complaints of violations of the equal employment opportunity program regulations.

II. ELIGIBLE CLAIMANTS

Any community college district, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e), states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimants filed the test claim in the 2002-2003 fiscal year, establishing eligibility for reimbursement on or after July 1, 2001. Three sets of parameters and guidelines have been adopted, one for costs incurred *only* during the 2001-2002 fiscal year, one for costs incurred *only* during the 2002-2003 fiscal year, and one for costs incurred in or after the 2003-2004 fiscal year. These parameters and guidelines are for the period beginning in the 2003-2004 fiscal year and subsequent fiscal years. Therefore, costs incurred pursuant to California Code of Regulations, title 5, sections 53003, 53004, 53006, 53020, 53021, 53022, 53023, 53024, 53025, 53026, and 53034 as set forth in these parameters and guidelines are reimbursable on or after July 1, 2003.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a school district may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Government Code section 17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities are reimbursable:

A. District Plan Contents and Review

Title 5, Sections 53003 and 53020

1. Review the equal employment opportunity plan, excluding goals and timetables, at least every three years and if necessary revise the plan and submit it to the Chancellor’s Office for approval. (Cal. Code Regs., tit. 5, §§ 53003(b) and 53020(a) (Register 2002, No. 35).)
2. Include in the equal employment opportunity plan the following information:
 - a. A process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of California Code of Regulations, title 5, section 53000 et seq., which addresses equal employment opportunity programs (Register 2002, No. 35) and of state and federal nondiscrimination laws. (Cal. Code Regs., tit. 5, §§ 53003(c)(4) and 53020(a) (Register 2002, No. 35).)
 - b. A process for providing annual written notice to professional organizations concerning the district’s equal employment opportunity plan and the need for assistance from the organizations in identifying qualified applicants. (Cal. Code Regs., tit. 5, §§ 53003(c)(5) and 53020(a) (Register 2002, No. 35).)
 - c. An analysis of the number of ethnic majority, men, and persons with disabilities who are employed in the district’s work force and the number of persons from monitored groups who have applied for employment in each of the following job categories: (1) executive/administrative/managerial; (2) faculty and other instructional staff; (3) professional nonfaculty; (4) secretarial/clerical; (5) technical and paraprofessional; (6) skilled crafts; and (7) service and maintenance (listed in Cal. Code Regs., tit. 5, § 53004(a) (Register 2002, No. 35)). (Cal. Code Regs., tit. 5, §§ 53003(c)(6) and 53020(a) (Register 2002, No. 35).)
 - d. An analysis of the degree to which persons within the ethnic majority, men, and persons with disabilities are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and

qualified to perform the work required for each job category. (Cal. Code Regs., tit. 5, §§ 53003(c)(7) and 53020(a) (Register 2002, No. 35).)

- e. The determination of whether or not the underrepresentation for any group based on gender, ethnicity, or disability is significant. *This activity does not include reimbursement for the inclusion of an analysis of the degree to which any group is underrepresented. This activity only requires the inclusion of the determination of whether any underrepresentation is significant.* (Cal. Code Regs., tit. 5, §§ 53003(c)(7) and 53020(a) (Register 2002, No. 35).)
- f. Methods for addressing any underrepresentation identified under the analysis required by California Code of Regulations, title 5, section 53003(c)(7). (Cal. Code Regs., tit. 5, §§ 53003(c)(8) and 53020(a) (Register 2002, No. 35).)
- g. Additional steps consistent with California Code of Regulations, title 5, section 53006, to remedy any significant underrepresentation identified in the plan. (Cal. Code Regs., tit. 5, §§ 53003(c)(9) and 53020(a) (Register 2002, No. 35).)
- h. Any other measures necessary to further equal employment opportunity throughout the district. (Cal. Code Regs., tit. 5, §§ 53003(c)(10) and 53020(a) (Register 2002, No. 35).)
- i. Any goals for hiring persons with disabilities that are required by California Code of Regulations, title 5, section 53025. (Cal. Code Regs., tit. 5, §§ 53003(d) and 53020(a) (Register 2002, No. 35).)

B. Delegation of Authority

Title 5, Section 53020

1. Design the administrative structure created by any delegation of authority to the equal employment officer or others in such a manner so as to ensure prompt and effective implementation of the requirements of the equal employment opportunity program regulations (Cal. Code Regs., tit. 5, § 53000 et seq.). (Cal. Code Regs., tit. 5, §§ 53020(b) and 53020(a) (Register 2002, No. 35).)
2. Designate in the equal employment opportunity plan a single officer, who may be the equal employment opportunity officer, for ensuring complaints of violations of the equal employment opportunity program regulations (excluding those based on disability or gender), filed pursuant to California Code of Regulations, title 5, section 53026, are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored (excluding ensuring that the selection procedure is based solely on job-related criteria and monitoring for adverse impact) as required by California Code of Regulations, title 5, sections 53023 and 53024. (Cal. Code Regs., tit. 5, §§ 53020(b) and 53020(a) (Register 2002, No. 35).)

C. Employee Survey

Title 5, Section 53004

1. In the report to the Chancellor's Office of the results of the employee survey, report each employee so that they may be identified as belonging to one of the following seven job categories: (1) executive/administrative/managerial; (2) faculty and other instructional staff; (3) professional nonfaculty; (4) secretarial/clerical; (5) technical and paraprofessional; (6) skilled crafts; and (7) service and maintenance. (Cal. Code Regs., tit. 5, §§ 53004(a) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53004(a) and 53020(a) (Register 2002, No. 35).)
2. Afford each applicant or employee the opportunity to identify his or her gender, ethnicity and, if applicable, his or her disability for purposes of the survey and report required by California Code of Regulations, title 5, section 53004(a) (Register 96, No. 23; Register 2002, No. 35). (Cal. Code Regs., tit. 5, §§ 53004(b) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53004(b) and 53020(a) (Register 2002, No. 35).)
 - a. Count a person in only one ethnic group for reporting purposes if that person designates multiple ethnic groups with which he or she identifies. (Cal. Code Regs., tit. 5, §§ 53004(b) and 53020(a) (Register 2002, No. 35).)
 - b. Count and report Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians as part of the Asian/Pacific Islander group as well as in separate subcategories. (Cal. Code Regs., tit. 5, §§ 53004(b) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53004(b) and 53020(a) (Register 2002, No. 35).)

D. Monitoring Recruitment

Title 5, Sections 53004 and 53006

1. Monitor applicants for employment on an ongoing basis in order to evaluate the progress in implementing the equal employment opportunity plan and to provide data needed for the analyses required by California Code of Regulations, title 5, sections 53003, 53006, 53023, and 53024 (Register 96, No. 23; Register 2002, No. 35). (Cal. Code Regs., tit. 5, §§ 53004(a) and 53020(a) (Register 2002, No. 35).)
2. Take the following additional steps if a district determines that a particular monitored group is significantly underrepresented with respect to one or more categories.
 - a. Review recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group. (Cal. Code Regs., tit. 5, §§ 53006(a)(1) and 53020(a) (Register 2002, No. 35).)
 - b. Consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account, and implement any such techniques which are determined to be feasible and potentially effective. (Cal. Code Regs., tit. 5, §§ 53006(a)(2) and 53020(a) (Register 2002, No. 35).)

- c. Determine whether the group is still significantly underrepresented in the categories in question after the measures described in subdivisions (a)(1) and (2) of California Code of Regulations, title 5, section 53006, have been in place a reasonable period of time (three years or longer). (Cal. Code Regs., tit. 5, §§ 53006(a)(3) and 53020(a) (Register 2002, No. 35).)
- d. Monitor the staffing rate for the significantly underrepresented group in the specified job categories in question on an ongoing basis until the projected representation has been achieved for that group if significant underrepresentation persists. (Cal. Code Regs., tit. 5, §§ 53006(a)(4) and 53020(a) (Register 2002, No. 35).)

E. Recruitment Procedures

Title 5, Section 53021

1. Actively recruit from both within and outside the district work force to attract qualified applicants for all new openings except as provided by California Code of Regulations, title 5, section 53021(b). (Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 2002, No. 35).)
 - a. Active recruitment shall include outreach to ensure all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. (Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 2002, No. 35).)
 - b. Open recruitment applies to all new full-time and part-time openings in all job categories and classifications, including but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. (Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 2002, No. 35).)
2. Recruit at least statewide for full-time faculty and educational administrator positions, and at a minimum, seek qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry. (Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 2002, No. 35).)
3. Recruit part-time faculty positions separately for each new opening or by annually establishing a pool of eligible candidates. In either case, full and open recruitment is required consistent with California Code of Regulations, title 5, section 53021. (Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53021(a) and 53020(a) (Register 2002, No. 35).).
4. Notify the Equal Employment Opportunity Advisory Committee established pursuant to California Code of Regulations, title 5, section 53005 and the Chancellor, at least ten working days prior to offering the position to a candidate, if the district believes justification exists for use of any of the exceptions listed in section 53021(b). (Cal. Code Regs., tit. 5, §§ 53021(c) and 53020(a) (Register 2002, No. 35).)

5. Comply with the district's established hiring procedures and afford all qualified district employees the opportunity to apply even where in-house or promotional only recruitment is permitted under California Code of Regulations, title 5, section 53005(b). (Cal. Code Regs., tit. 5, §§ 53021(d) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53021(d) and 53020(a) (Register 2002, No. 35).)

F. Job Announcements

Title 5, Section 53022

1. Include in the job requirements in announcements for faculty and administrative positions a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. (Cal. Code Regs., tit. 5, §§ 53022 and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53022 and 53020(a) (Register 2002, No. 35).)
2. Review job specifications, excluding any "required," "desired," or "preferred" qualifications beyond the state minimum qualifications (set forth in Subchapter 4 Cal. Code Regs., tit. 5, commencing with § 53400) which the district wishes to utilize, before the position is announced to ensure conformity with the requirements of California Code of Regulations, title 5, section 53000 et seq., and state and federal nondiscrimination laws, excluding section 504 of the Rehabilitation Act, and Title IX of Education Amendments of 1972. (Cal. Code Regs., tit. 5, §§ 53022 and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53022 and 53020(a) (Register 2002, No. 35).)

G. Applicant Pool

Title 5, Section 53023

1. Afford each applicant an opportunity to voluntarily identify his or her gender, ethnicity and, if applicable, his or her disability, in the district's application for employment. (Cal. Code Regs., tit. 5, §§ 53023(a) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53023(a) and 53020(a) (Register 2002, No. 35).)
2. Keep information regarding an applicant's gender, ethnicity, and/or disability provided in an application for employment confidential. (Cal. Code Regs., tit. 5, §§ 53023(a) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53023(a) and 53020(a) (Register 2002, No. 35).)
3. Analyze the composition of the initial applicant pool after the application deadline has passed to ensure that any failure to obtain projected representation for any group defined in terms of ethnicity is not due to discriminatory recruitment procedures. (Cal. Code Regs., tit. 5, §§ 53023(b) and 53020(a) (Register 2002, No. 35).)
4. Extend the application deadline and conduct additional recruitment, which eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants, if necessary. (Cal. Code Regs., tit. 5, §§ 53023(b) and 53020(a) (Register 2002, No. 35).)
5. Screen applications to determine which candidates satisfy job specifications set forth in the job announcement when recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts

would be futile. (Cal. Code Regs., tit. 5, §§ 53023(b) and 53020(a) (Register 2002, No. 35).)

6. Analyze the composition of the qualified applicant pool to ensure that no ethnic group is adversely impacted as defined by California Code of Regulations, title 5, section 53001(a) (Register 2002, No. 35). (Cal. Code Regs., tit. 5, §§ 53023(c) and 53020(a) (Register 2002, No. 35).)
7. Take effective steps to address adverse impact on any group defined in terms of ethnicity found in the district's applicant pool before the selection process is continued. (Cal. Code Regs., tit. 5, §§ 53023(b) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53023(c) and 53020(a) (Register 2002, No. 35).)

H. Screening and Selection Procedures

Title 5, Section 53024

1. Provide all screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole to the Chancellor upon request. (Cal. Code Regs., tit. 5, §§ 53024(a)(1) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53024(a)(1) and 53020(a) (Register 2002, No. 35).)
2. Design all screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. (Cal. Code Regs., tit. 5, §§ 53024(a)(2) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53024(a)(2) and 53020(a) (Register 2002, No. 35).)
3. Design and monitor all screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole to avoid an adverse impact as defined in California Code of Regulations, title 5, section 53001(a) on any group defined in terms of ethnicity, and to detect and address any adverse impact on any group defined in terms of ethnicity which does occur. (Cal. Code Regs., tit. 5, §§ 53024(a)(4) and 53020(a) (Register 2002, No. 35).)
4. Suspend the selection process and take timely and effective steps to remedy adverse impact on any group defined in terms of ethnicity before the selection process resumes if monitoring under California Code of Regulations, title 5, section 53024(a)(4) reveals that any selection technique or procedure has adversely impacted such ethnic group. (Cal. Code Regs., tit. 5, §§ 53024(b) and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53024(b) and 53020(a) (Register 2002, No. 35).)

I. Persons with Disabilities

Title 5, Sections 53025 and 53034

1. Update a goal established prior to July 12, 2002 for persons with disabilities, set a new target date for achieving projected representation in a job category or categories, and concurrently comply with California Code of Regulations, title 5, section 53006, subdivisions (a)(1), (a)(2), and (b) with respect to persons with disability, if significant

underrepresentation still exists in the job category or categories. (Cal. Code Regs., tit. 5, §§ 53025(b) and 53020(a) (Register 2002, No. 35).)

2. Implement California Code of Regulations, title 5, section 53006, subdivisions (a)(1) and (a)(2) concurrently with setting a goal with a target date for achieving projected representation for persons with a disability in each job category where underrepresentation was found to exist. Goals are to remain in effect only until projected representation has been achieved for that group in the category or categories in question. (Cal. Code Regs., tit. 5, §§ 53025(c) and 53020(a) (Register 2002, No. 35).)
3. Utilize an aggregate labor force availability rate for setting goals for hiring persons with disabilities with respect to the total district work force, until the Chancellor's Office provides data regarding the availability of persons with disabilities by job category. (Cal. Code Regs., tit. 5, §§ 53025(c) and 53020(a) (Register 2002, No. 35).)
4. Report the staffing rate of persons with disabilities by a separate survey as directed by the Chancellor's Office, until a data element to calculate the staffing rate of persons with disabilities has been integrated into the report required by California Code of Regulations, title 5, section 53004. (Cal. Code Regs., tit. 5, §§ 53034 and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53034 and 53020(a) (Register 2002, No. 35).)

J. Complaint Procedures (Nonemployees and Nonapplicants)

Title 5, Sections 53020 and 53026

1. Establish a process permitting any person (excluding employees and applicants for employment) to file a complaint alleging that the requirements of the equal employment opportunity program regulations (Cal. Code Regs., tit. 5, § 53000 et seq.) have been violated. This excludes the establishment of a process permitting an employee to file a complaint alleging a violation of the equal employment opportunity program regulations on the basis of disability or gender (i.e., failure to designate a person to coordinate efforts to comply Section 504 and Title IX (see Cal. Code Regs., tit. 5, § 53020); failure to provide reasonable accommodations (see Cal. Code Regs., tit. 5, § 53020); and employment discrimination on the basis of disability and gender in district employee selection procedures). (Cal. Code Regs., tit. 5, §§ 53026 and 53020(a) (Register 2002, No. 35).)
2. Forward immediately to the Chancellor a copy of the complaint. (Cal. Code Regs., tit. 5, §§ 53026 and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53026 (Register 2002, No. 35).)
3. Provide a written investigative report within 90 days if required by the Chancellor. (Cal. Code Regs., tit. 5, §§ 53026 and 53020(a) (Register 96, No. 23); Cal. Code Regs., tit. 5, §§ 53026 and 53020(a) (Register 2002, No. 35).)

V. **CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must

be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to

be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs may include: (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs; and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Community colleges have the option of using: (1) a federally approved rate, utilizing the cost accounting principles from the Office of Management and Budget Circular A-21, "Cost Principles of Educational Institutions"; (2) the rate calculated on State Controller's Form FAM-29C; or (3) a 7% indirect cost rate.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Any offsets the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from the following source shall be identified and deducted from this claim as follows:

1. Funds received from the Equal Employment Opportunity Fund² and applied to the reimbursable state-mandated activities imposed by Title 5, sections 53003, 53004, 53006, 53020, 53021, 53022, 53023, 53024, 53025, 53026, and 53034, as amended by Register 2002, number 35. (State Budget Act, Item 6870-101-0001.)³

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

² Reference to the "Equal Employment Opportunity Fund" includes any future source of funding for the same or similar purposes for which the Equal Employment Opportunity Fund was created, regardless of any change in the name of the funding source, or line item and schedule in the State Budget Act. In addition, appropriations for this fund have been appropriated for program 20.20.041-Equal Employment Opportunity pursuant to Ch. 1169, Stats. 2002.)

³ The State Budget Act line item for the Equal Employment Opportunity Fund has remained the same from the 2003-2004 fiscal year to the present (6870-101-0001), with the schedule number changing from year to year. In addition, an appropriation has been made for the Equal

In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The statements of decision adopted for the test claim and parameters and guidelines are legally binding on all parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

Employment Opportunity Fund in every fiscal year from the 2003-2004 fiscal year to the 2011-2012 fiscal year.

DISCRIMINATION COMPLAINT PROCEDURES (EQUAL EMPLOYMENT OPPORTUNITY – SET THREE) CLAIM FOR PAYMENT			For State Controller Use Only		PROGRAM 340		
(01) Claimant Identification Number			Reimbursement Claim Data				
(02) Claimant Name			(22) FORM 1, (04) A. (f)				
County of Location			(23) FORM 1, (04) B. (f)				
Street Address or P.O. Box		Suite	(24) FORM 1, (04) C. (f)				
City	State	Zip Code	(25) FORM 1, (04) D. (f)				
		Type of Claim	(26) FORM 1, (04) E. (f)				
		(03)	(09) Reimbursement <input type="checkbox"/>	(27) FORM 1, (04) F. (f)			
		(04)	(10) Combined <input type="checkbox"/>	(28) FORM 1, (04) G. (f)			
		(05)	(11) Amended <input type="checkbox"/>	(29) FORM 1, (04) H. (f)			
Fiscal Year of Cost		(06)	(12)	(30) FORM 1, (04) I. (f)			
Total Claimed Amount		(07)	(13)	(31) FORM 1, (04) J. (f)			
Less: 10% Late Penalty (refer to attached Instructions)			(14)	(32) FORM 1, (06)			
Less: Prior Claim Payment Received			(15)	(33) FORM 1, (07)			
Net Claimed Amount			(16)	(34) FORM 1, (09)			
Due from State		(08)	(17)	(35) FORM 1, (10)			
Due to State			(18)	(36)			
(37) CERTIFICATION OF CLAIM <p>In accordance with the provisions of Government Code Sections 17560 and 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Article 4, Chapter 1 of Division 4 of Title 1 Government Code.</p> <p>I further certify that there was no application other than from the claimant, nor any grants or payments received for reimbursement of costs claimed herein and claimed costs are for a new program or increased level of services of an existing program. All offsetting revenues and reimbursements set forth in the parameters and guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.</p> <p>The amount for this reimbursement is hereby claimed from the State for payment of actual costs set forth on the attached statements.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Signature of Authorized Officer</p> <p>_____</p> <p>Type or Print Name and Title of Authorized Signatory</p> </div> <div style="width: 45%;"> <p>Date Signed _____</p> <p>Telephone Number _____</p> <p>E-Mail Address _____</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>(38) Name of Agency Contact Person for Claim</p> <p>_____</p> <p>Name of Consulting Firm / Claim Preparer</p> </div> <div style="width: 45%;"> <p>Telephone Number _____</p> <p>E-mail Address _____</p> <p>Telephone Number _____</p> <p>E-mail Address _____</p> </div> </div>							

PROGRAM
340

**DISCRIMINATION COMPLAINT PROCEDURES
(EQUAL EMPLOYMENT OPPORTUNITY – SET THREE)
CLAIM FOR PAYMENT
INSTRUCTIONS**

**FORM
FAM-27**

- (01) Enter the claimant identification number assigned by the State Controller's Office.
- (02) Enter claimant official name, county of location, street or postal office box address, city, State, and zip code.
- (03) to (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) Not applicable.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate Form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim as shown on Form 1, line (11). The total claimed amount must exceed \$1,000; minimum claim must be \$1,001.
- (14) Initial claims must be filed as specified in the claiming instructions. Annual reimbursement claims must be filed by **February 15**, or otherwise specified in the claiming instructions, following the fiscal year in which costs were incurred. Claims filed after the specified date must be reduced by a late penalty. Enter zero if the claim was filed on time. Otherwise, enter the penalty amount as a result of the calculation formula as follows:
- Late Initial Claims: Form FAM-27 line (13) multiplied by 10%, without limitation; or
 - Late Annual Reimbursement Claims: Form FAM-27 line (13) multiplied by 10%, late penalty not to exceed \$10,000.
- (15) Enter the amount of payment, if any, received for the claim. If no payment was received, enter zero.
- (16) Enter the net claimed amount by subtracting the sum of lines (14) and (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., Form 1, (04) A. (f), means the information is located on Form 1, line (04) A column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. **Completion of this data block will expedite the process.**
- (37) Read the statement of Certification of Claim. The claim must be dated, signed by the agency's authorized officer, and must type or print name, title, date signed, telephone number, and e-mail address. **Claims cannot be paid unless accompanied by an original signed certification. (Please sign the Form FAM-27 in blue ink and attach the copy to the top of the claim package.)**
- (38) Enter the name, telephone number, and e-mail address of the agency contact person for the claim. If the claim was prepared by a consultant, type or print the name of the consulting firm, the claim preparer, telephone number, and e-mail address.

SUBMIT A SIGNED ORIGINAL FORM FAM-27 AND ONE COPY WITH ALL OTHER FORMS TO:

Address, if delivered by U.S. Postal Service:

**OFFICE OF THE STATE CONTROLLER
ATTN: Local Reimbursements Section
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250**

Address, if delivered by other delivery service:

**OFFICE OF THE STATE CONTROLLER
ATTN: Local Reimbursements Section
Division of Accounting and Reporting
3301 C Street, Suite 700
Sacramento, CA 95816**

PROGRAM 340	DISCRIMINATION COMPLAINT PROCEDURES (EQUAL EMPLOYMENT OPPORTUNITY – SET THREE) CLAIM SUMMARY					FORM 1		
(01) Claimant			(02)		Fiscal Year 20__ / 20__			
(03) Leave Blank								
Direct Costs			Object Accounts					
			(a)	(b)	(c)	(d)	(e)	(f)
(04) Reimbursable Activities			Salaries and Benefits	Materials and Supplies	Contract Services	Fixed Assets	Travel	Total
A. District Plan Contents and Review								
B. Delegation of Authority								
C. Employee Survey								
D. Monitoring Recruitment								
E. Recruitment Procedures								
F. Job Announcements								
G. Applicant Pool								
H. Screening and Selection Procedures								
I. Persons with Disabilities								
J. Complaint Procedures (Nonemployees and Nonapplicants)								
(05) Total Direct Costs								
Indirect Costs								
(06) Indirect Cost Rate <input type="checkbox"/> Federally approved rate OMB Circular A-21 <input type="checkbox"/> FAM-29C <input type="checkbox"/> Flat 7%							%	
(07) Total Indirect Costs					[Refer to Claim Summary Instructions]			
(08) Total Direct and Indirect Costs					[Line (05)(f) + line (07)]			
Cost Reduction								
(09) Less: Offsetting Revenues					[Refer to Claim Summary Instructions]			
(10) Less: Other Reimbursements								
(11) Total Claimed Amount					[Line (08) - {line (09) + line (10)}]			

PROGRAM 340	DISCRIMINATION COMPLAINT PROCEDURES (EQUAL EMPLOYMENT OPPORTUNITY – SET THREE) CLAIM SUMMARY INSTRUCTIONS	FORM 1
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of costs.
- (03) Leave blank.
- (04) For each reimbursable activity, enter the total amount from Form 2, line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (05) Total columns (a) through (f).
- (06) Community college districts may use the federally approved OMB Circular A-21 rate, the rate computed using Form FAM-29C, or a 7% indirect cost rate, for the fiscal year of costs. Mark the applicable box for the option used. Form FAM-29C can be found in the Annual Manual for Community Colleges available online at SCO's website: www.sco.ca.gov/ard_mancost.html. Submit Form FAM-29C or the federally approved rate agreement with the claim.
- (07) Enter the result of multiplying the Indirect Cost Rate, line (06), by the applicable base used. The Form FAM-29C indirect cost rate and the flat 7% indirect cost rates are applied to Salaries and Benefits; whereas, the federally approved rate is applied to the allocation base used in developing the federally approved rate.
- (08) Enter the sum of Total Direct Costs, line (05)(f), and Total Indirect Costs, line (07).
- (09) Enter funds received from the Equal Employment Opportunity Fund and applied to the reimbursable state-mandated activities imposed by Title 5, sections 53003, 53004, 53006, 53020, 53021, 53022, 53023, 53024, 53025, 53026, and 53034, as amended by Register 2002, number 35. (State Budget Act, Item 6870-101-0001)
- If applicable, enter any revenue received by the claimant for this mandate from any state or federal source.
- (10) If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- (11) From Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Revenues, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to Form FAM-27, line (13) for the Reimbursement Claim.

PROGRAM 340	DISCRIMINATION COMPLAINT PROCEDURES (EQUAL EMPLOYMENT OPPORTUNITY – SET THREE) ACTIVITY COST DETAIL	FORM 2
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(01) Claimant	(02) Fiscal Year 20__ / 20__
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<input type="checkbox"/> A. District Plan Contents and Review	<input type="checkbox"/> E. Recruitment Procedures	<input type="checkbox"/> I. Persons with Disabilities
<input type="checkbox"/> B. Delegation of Authority	<input type="checkbox"/> F. Job Announcements	<input type="checkbox"/> J. Complaint Procedures (Nonemployees and Nonapplicants)
<input type="checkbox"/> C. Employee Survey	<input type="checkbox"/> G. Applicant Pool	
<input type="checkbox"/> D. Monitoring Recruitment	<input type="checkbox"/> H. Screening and Selection Procedures	

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel
(05) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ____ of ____							

PROGRAM 340	DISCRIMINATION COMPLAINT PROCEDURES (EQUAL EMPLOYMENT OPPORTUNITY – SET THREE) ACTIVITY COST DETAIL INSTRUCTIONS	FORM 2
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Check the box which indicates the activity being claimed. Check only one box per form. A separate Form 2 must be prepared for each applicable activity.
- (04) The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box checked in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated and no payment was made at the time the claim was filed, the time for the Controller to initiate an audit will be from the date of initial payment of the claim. Such documents must be made available to the SCO on request.

Object/ Sub object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
Salaries and Benefits	Employee Name/Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked					
	Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries					
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used				
Contract Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Cost = Hourly Rate x Hours Worked or Total Contract Cost			Copy of Contract and Invoices
Fixed Assets	Description of Equipment Purchased	Unit Cost	Usage				Cost = Unit Cost x Usage		
Travel	Purpose of Trip Name and Title Departure and Return Date	Per Diem Rate Mileage Rate Travel Cost	Days Miles Travel Mode					Total Travel Cost = Rate x Days or Miles	

- (05) Total line (04), columns (d) through (h) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row.